

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LUCIA RAMOS-QUIRARTE,

Plaintiff,

v.

BETTY T. OMANDAC, et al.,

Defendants.

Case No.: 2:23-cv-01778-RFB-NJK

ORDER

Plaintiff Lucia Ramos-Quirarte, who was previously in the custody of the Nevada Department of Corrections, filed a complaint in state court, which Defendants have removed to this Court. Docket Nos. 1, 1-2. It appears from the documents and the removal statement that removal to federal court was proper.

Federal courts must conduct a preliminary screening in any case in which an incarcerated person seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). However, based on the allegations in the complaint, it appears that Plaintiff was no longer incarcerated when she filed the complaint. Docket No. 1-2. As such, the screening requirements of 28 U.S.C. § 1915A do not apply to this case. *See Olivas v. Nevada ex rel. Dep't of Corr.*, 856 F.3d 1281, 1284 (9th Cir. 2017) (holding “that a court may screen a complaint pursuant to 28 U.S.C. § 1915A only if, at the time the plaintiff files the complaint, he is ‘incarcerated or detained’”). Accordingly, this case is removed from the screening pool and will proceed according to standard litigation practices.

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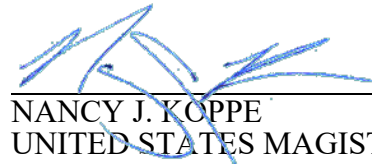
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1 Accordingly, for the reasons stated above,

2 IT IS ORDERED that the Court will not screen the complaint, and this case will proceed
3 along a standard litigation track.

4 DATED: December 8, 2023.

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8 NANCY J. KOPPE
9 UNITED STATES MAGISTRATE JUDGE
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